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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
EASTERN DIVISION**

ERIC THOMPSON,

Plaintiff,

v.

**RIVERSIDE COMMUNITY
COLLEGE DISTRICT; MORENO
VALLEY COLLEGE; ROBIN
STEINBACK, Ph.D,** in her official
capacity as President of Moreno Valley
College; **SANDRA MAYO, Ph.D,** in
her official capacity as President of
Student Services at Moreno Valley
College, and Does 1 – 50.

Defendants.

Case No. _____

**COMPLAINT FOR DAMAGES:
VIOLATION OF FREEDOM OF
SPEECH UNDER THE U.S.
CONSTITUTION; VIOLATION
OF PLAINTIFF'S RIGHTS UNDER
THE U.S. CONSTITUTION TO
ACADEMIC FREEDOM**

[42 U.S.C. 1983]

DEMAND FOR JURY TRIAL

Plaintiff, ERIC THOMPSON (or "THOMPSON"), by and through counsel,
and for his Verified Complaint against Defendants, hereby states as follows:

INTRODUCTION

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2 1. A diversity of viewpoints is at the heart of learning, and the cornerstone of
3 public higher education is the freedom of professors to discuss competing
4 viewpoints in the classroom. This freedom, comprised of the freedom of speech
5 and academic freedom, precious guards the faculty of public colleges and
6 universities so that they can encourage students to ask innovative questions and
7 then answer those questions with a variety of ideas and theories. But a movement
8 has arisen, undirected and driven largely by students, to scrub campuses clean of
9 words, ideas, and subjects that might cause discomfort or give offense.
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13 2. Such is the case at at Moreno Valley College (“MVC”), a college within the
14 Riverside Community College District (“RCCD”), referred to as the “District,”
15 where academic freedom has been jeopardized because of the complaint of
16 students and willing participants among the staff and administrators. All too often,
17 university officials—including those at Moreno Valley College and Riverside
18 Community College District—use a myriad of different policies to silence, censor,
19 and restrict those who express ideas to which they or others object, even in
20 opposition to their own board policies.
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24 3. Seeking to participate in this marketplace, Eric Thompson became a
25 sociology professor at MVC. As such, he desired to help students understand the
26 importance of the sociological perspective--that environmental forces influence
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1 who we become. In 2014 he presented various views on the origin of same-sex
2 attraction including a film entitled Understanding Same-Sex Attraction, which was
3 mostly well-received. In Mr. Thompson's professional opinion, the film most
4 closely reflected the foundational framework of sociological inquiry regarding the
5 issue at hand—namely that our social environment is the main driver of our sexual
6 preferences and identities. According to the textbook Mr. Thompson used in his
7 Marriage and Family class, this is called the social constructionist perspective,
8 which is, in regards to sexuality, the view that human sexual identities are entirely
9 socially constructed (Cherlin, Andrew. Public and Private Families, seventh
10 edition, 2012).

11
12 4. After viewing the film himself, Mr. Thompson thought it would make for a
13 good collaborative discussion with the college community on the email listserve,
14 so he sent the following email on September 15, 2014:

15 [regarding the then-recent rulings against the use of conversion therapy for
16 minors]

17 "But now, you are not allowed to ask any questions about the childhood of gay
18 people anymore. It's called 'homophobic'. The entire psychology establishment
19 has shut itself down, politically...and also, Freud was kicked out by early
20 feminism in the late 60's and early 70's. So, all the sophistication of analysis, in
21 being able to analyze the family background (is) all gone. That entire discourse
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1 is gone. Everything is political now. It's really sick. It's a sick and stupid way
2 of looking at human psychology. We are in a period now of psychological
3 stupidity." (Cammile Paglia, Lesbian-Feminist activist, January 14, 2014)

4
5 But not totally gone...

6 [inserted link to the video Understanding Same-Sex Attraction]

7
8 The research continues...

9 Eric Thompson

10 Associate Professor of Sociology

11
12 Moreno Valley College

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14 5. But the film angered some in the Diversity and LGBT clubs, and resulted in
15 then President Sandra Mayo calling Mr. Thompson into her office for a meeting.
16 During the meeting, Dr. Mayo requested, on behalf of those concerned, that Mr.
17 Thompson agree not to show the film in class ever again. Mr. Thompson declined,
18 but promised not to show it in class for the next semester. In fact, to keep the
19 peace, he never showed it again, despite the District's policies which state: "It is
20 recognized that an essential function of education is a probing of opinions and an
21 exploration of information and ideas that may cause some students discomfort."
22 (AP 3430). And "Academic professionals need the freedom to explore ideas that
23 may be strange or unpopular, endeavors proper to higher education" (BP 4030).
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1 Unfortunately, Dr. Mayo sided with the students instead of doing her job to
2 shoulder the natural burdens that attend academic freedom policies.

3 6. In Spring 2015, a discussion was held in Mr. Thompson's Sociology 1 class
4 regarding the U.S. Supreme Court arguments in Obergefell v. Hodges regarding
5 same sex—marriage. At this point, the case had yet to be decided. One of the
6 students, Krista E. who was aware of the negative rumors that had been circulating
7 about Mr. Thompson for showing the above-mentioned film in 2014, and who
8 already had a bias against him before taking his class complained that Mr.
9 Thompson had treated her differently than other students in the class by asking her
10 a series of questions on the issue of legalizing same-sex marriage. Ultimately
11 Krista E. abruptly left the class. Krista E. was crying as she left the classroom and
12 purportedly continued to be upset after she left the classroom. Student Krista E.
13 was a supporter of the LGBT (lesbian, gay, bisexual, and transgender) community.
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19 7. In point of fact, Mr. Thompson had not singled Krista E. out, but instead was
20 leading a discussion about a major societal, indeed sociological, moment in the
21 history of the United States—the legalization of same-sex marriage. He asked
22 open-ended questions to the class and facilitated the discussion based on the
23 readings they had done recently in the textbook. He called on several students by
24 name, including Krista E. once, his desire was to engage her and the rest of the
25 class in the discussion. During this discussion, a student asked a question that
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1 stereotyped people based on sexual-orientation. Krista immediately stood up and
2 objected, and Thompson attempted to correct the stereotype and redirect the
3 discussion. Krista E., nevertheless, left the class. After the class in question,
4 Thompson emailed the President of the MVC, then Sandra Mayo, about the
5 incident and said that he desired to dialogue with the LGBT community on campus
6 to ensure that they understood the point of the academic discussion during that
7 class. Attached is the audio recording of this exchange, an exchanged that formed a
8 substantial basis for Mr. Thompson's termination.
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12 8. Following Krista E.'s complaint, the college began an investigation into the
13 incident, and other complaints which were largely made by students who were not
14 in the Spring 2015 Sociology I class. From that point forward, it was very clear
15 that the administrators and several students had grown hostile towards Professor
16 Thompson for his presenting the unfashionable view that same-sex attraction may
17 arise from environmental factors (again, a natural conclusion for the sociological
18 perspective, which emphasizes the social/environmental rather than biological
19 forces to determine people's sexual preference) and that they would stop at nothing
20 to silence him. Sadly, this ended in Thompson's termination.
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JURISDICTION AND VENUE

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2 9. This action raises federal questions under the First and Fourteenth
3 Amendments to the United States Constitution and the Civil Rights Act of 1871,
4 42 U.S.C. § 1983.
5

6 10. This Court has original jurisdiction over these federal claims pursuant to 28
7 U.S.C. §§ 1331 and 1343 and supplemental jurisdiction over state law claims
8 pursuant to 28 U.S.C. § 1367.
9

10 11. This Court has authority to award the requested declaratory relief under 28
11 U.S.C. § 2201; the requested injunctive relief under 28 U.S.C. § 1343(3); and
12 attorneys' fees under 42 U.S.C. § 1988.
13

14 12. Venue is proper under 28 U.S.C. § 1391 in the Central District of
15 California because a substantial part of the actions or omissions giving rise to this
16 case occurred within the Central District and at least one Defendant resides in the
17 Central District.
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PARTIES

20
21 13. Plaintiff, Eric Thompson, is a resident of Hemet, California. He was a
22 tenured member of the faculty at Moreno Valley College where he taught for the
23 eleven (11) years.
24

25 14. Defendant, Robin Steinback, Ph.D., is the current President of MVC. In
26 other times, relevant to this matter, she began in January of 2013 as vice president
27 of Academic Affairs. In January 2014, she was appointed to a RCCD position of
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1 interim vice chancellor of Educational Services. She returned to her college
2 appointment in January 2015 to be vice president of Academic Affairs again. At
3 various times relevant to this action, her duties included the oversight of MVC, the
4 execution of policies and regulations that govern the college, and decision-making
5 concerning faculty employment. Dr. Steinback acted under color of state law when
6 she violated Mr. Thompson's First and Fourteenth Amendment rights and rights
7 under state law and District policy. She is sued in her official capacity.
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10
11 15. Defendant Sandra Mayo, Ph.D. began her tenure as the President at MVC
12 in 2012, and continued until June 2016. Dr. Mayo acted under color of state law
13 when she violated Mr. Thompson's First and Fourteenth Amendment rights and
14 rights under state law and District policy. She is sued in his official capacity.
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17 **FACTUAL BACKGROUND**

18 **A. Mr. Thompson's Teaching Career at the District**

19
20 16. In 1996, Mr. Thompson received a Bachelor of Arts degree with a major in
21 Sociology from California State University Chico, and in 1998, a Master's of Arts
22 degree with a major in Sociology from California State University Sacramento.
23

24 17. In 2005 Mr. Thompson was hired by MVC as an Associate Professor of
25 Sociology. Mr. Thompson became a tenured member of the faculty in 2009 and
26 taught at MVC for nearly twelve years.
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1 18. Mr. Thompson taught Introduction to Sociology, Marriage and Family and
2 Contemporary Social Problems throughout his tenure at MVC.

3 19. During the time of his employment by the District, Mr. Thompson's work
4 performance was more than satisfactory and he has never been disciplined until the
5 instance that is the subject of this lawsuit. In fact, Mr. Thompson won two "faculty
6 of the year" awards during his tenure at MVC.
7

8 20. Student response questionnaires and student comments for 2015 also
9 indicate that Mr. Thompson was a much appreciated and excellent instructor. The
10 vast majority of students indicated that Mr. Thompson knew the subject matter of
11 his courses; that he encouraged students to ask questions; that he encouraged
12 individual thinking and differences of opinion; and conducted his classes fairly
13 with respect to age, gender, disability, nationality, race, religion and sexual
14 orientation.
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19 21. Apart from the testimony of a few disgruntled, ideologically driven
20 students with a bone to pick, many of whom were swept up in the controversy
21 regarding Mr. Thompson's showing the above-mentioned video in his classes in
22 2014, his 2015 student and faculty evaluations were nevertheless outstanding. In
23 Dean Vakil's analysis of the student evaluations for the class, he wrote:
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26 "No student comments regarding weaknesses indicated any issues that
27 needed to be addressed," and "Overall, neither section's quantitative results
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1 nor student comments indicate any problems and are favorable about the
2 quality of instruction.”

3 “Several students also remarked that there were “no weaknesses” in the
4 class.”
5

6 22. Moreover, a synopsis of the student comment portion of Mr. Thompson’s
7 evaluation of two of classes offers a striking contrast to complaints of the
8 disgruntled students:
9

10 *Sociology 12-Marriage and Family, Spring 2015*
11

12 “...Makes me want to engage in class.”

13 “Professor Thompson creates open environment to discuss topics.”
14

15 “Allows class discussions with multiple viewpoints. No bias towards material.”

16 “He is a really nice person and he’s fair....”
17

18 “He’s fair, reasonable and has great teaching ethics.”

19 “No weaknesses”
20

21 “No negatives”

22 *Sociology 1, Introduction to Sociology, Spring 2015*
23

24 “Professor Thompson makes lecture enjoyable, relatable and interesting.

25 “Keeps an awesome in-depth discussion of Sociology”

26 “Good setting”
27

28 “There are no weaknesses”

1 “No weaknesses”

2 “Has no weaknesses”

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5 23. Surely if Mr. Thompson mistreated students or otherwise abused his position
6 as a professor, at least one other student would have mentioned it in the comments
7 portion of the evaluation of the class. Instead, Mr. Thompson’s two 2015 student
8 evaluations reveal that students, faculty and Dean Vakil considered Mr. Thompson to
9 be an excellent instructor. Over a dozen student witnesses in the evaluation process
10 for Mr. Thompson mentioned no signs of discriminatory treatment of any student in
11 his classes, even in the classes taken by students who later filed complaints against
12 him.
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16 **B. District Charges**

17 24. On June 28, 2017, MVC issued what became the “operative” charges
18 against Mr. Thompson. [Note: the original charges were substantially similar,
19 without the addition of the April 19, 2017 allegation added to charge No. 6 and
20 charge 7.] They were “operative” because, it is upon these charges that Mr.
21 Thompson’s termination was recommended and eventually undertaken by the
22 Board of Trustees. However, during the Arbitration that was to follow, the District
23 once again changed the charges, apparently in an effort to make up for the fact that
24 the charges that actually led to Mr. Thompson’s termination were untrue, and/or
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1 poorly construed statements. In other words, Mr. Thompson was terminated based
2 on shoddy investigative work and hyperbolic restatements of the allegations
3 against him. The June 2017 charges were as follows:
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5 1. In May 2015 during THOMPSON's spring 2015 Sociology 1 course,
6 THOMPSON singled out student Krista E. causing her to feel humiliated.
7 THOMPSON discussed the U.S. Supreme Court arguments in Obergefell v.
8 Hodges regarding same sex—marriage. Student Krista E. was a visible
9 supporter of the LGBT (lesbian, gay, bisexual, and transgender) community.
10 She had worn a shirt with the logo of the LGBT Student Association to
11 THOMPSON's class. THOMPSON noticed the shirt and knew she was a
12 supporter of that community. THOMPSON admitted to a District
13 investigator that he believed Krista E. was gay. THOMPSON treated Krista
14 E. differently than he treated other students in the class by asking her a series
15 of questions on the issue of legalizing same-sex marriage. The questions
16 directed at her developed only one side of the same-sex marriage arguments,
17 the side against legalizing it. Krista felt attacked. She was not treated as
18 other students were treated by THOMPSON. Ultimately Krista E. abruptly
19 left the class. Krista E. was crying as she left the classroom and continued to
20 be upset after she left the classroom.
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1 2. THOMPSON has made repeated statements during class that women who
2 have children should not be out of the home. THOMPSON made these
3 statements despite knowing that many of his female students in the class,
4 including student Angela J., were mothers.
5

6 3. As a result of the foregoing, an investigation ensued and ultimately
7 resulted in the District's issuance of a 90-Day Notice of Unprofessional
8 Conduct and/or Unsatisfactory Performance dated March 3, 2016 to
9 THOMPSON. The notice gave THOMPSON specific directives on what he
10 needed to do to correct his conduct and performance.
11

12 4. [Note: for this charge we have used the May 22, 2018 revision.] On or
13 about June 20, 2016, Derian H., a student at Moreno Valley College, made
14 verbal complaints against THOMPSON pertaining to his treatment of her
15 during Sociology 1-24915 in the spring 2016, alleging that his conduct was
16 based or motivated by her sexual orientation. The student also alleged that
17 once THOMPSON became aware of her sexual orientation, his conduct
18 towards her changed. Derian wrote two extra credit papers. In one of those
19 extra credit papers, Derian H. disagreed with the conversion or reparative
20 video THOMPSON gave as extra credit; Derian H. described as being about
21 “fixing being gay.” Derian identified herself as gay in her extra credit paper.
22 Derian did not receive a grade or her papers back from THOMPSON despite
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1 asking for them several times. Derian asked several students in her class if
2 they received their paper, and they told her they had. THOMPSON told his
3 students not to tell anyone about the films he assigned as extra credit.
4

5 5. [Note: for this charge we have used the May 22, 2018 revision.] On
6 September 14, 2016, the District advised THOMPSON via US mail and
7 email that it had retained investigator Kristine J. Exton, Esq. to investigate
8 the allegations made against him by student Derian H. of discrimination
9 based on Derian H.'s sexual orientation. The District specifically directed
10 THOMPSON "to refrain from discussing this matter with other students,
11 faculty or members of the community in a manner that could be reasonably
12 construed as threatening, retaliatory or an attempt to influence others." The
13 District further advised THOMPSON that "any attempt to take reprisals
14 against, to intimidate, coerce or otherwise threaten any participant of this
15 process constituted unacceptable and illegal conduct and will not be
16 tolerated." THOMPSON was further "directed to refrain from all such
17 activities." Yet, on September 24, 2016, THOMPSON emailed Derian H.
18 about her complaint. THOMPSON attempted to coerce the complainant to
19 withdraw her complaint. THOMPSON'S email to the complainant stated as
20 follows:
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1 “First let me say that this email is not to intimidate, coerce or
2 threaten in any way. It is merely my way of reaching out to you since
3 there is a chance that I will not be seeing you in the future.
4

5 It was with disappointment that I received a letter from the
6 District about your complaint. Looking at the policy for this sort of
7 thing, it says: ‘The District and/or the College administration shall
8 make its best effort to resolve potential grievances without utilizing
9 the formal grievance process’ I can't help but to wonder what that
10 looked like, but it seems to me some official would have talked to me
11 about your grade/situation more in depth before encouraging you to
12 go forward with a formal complaint of unlawful discrimination.
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16 I wouldn't have minded if after I gave you a breakdown and
17 explanation of your grade you asked for further clarification. As
18 teachers we all make input errors from time to time, and it's my job to
19 give students every point they earn. If I did make an input error, I'm
20 willing to change your grade, but I can't imagine how you could know
21 that my motive for giving you the grade I did was because of your
22 sexual orientation, especially since I was unaware of it until I received
23 notice of your complaint.
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1 So I'm asking you to kindly reconsider going forward with this.

2 It is a hassle for me and takes away from my obligations to my current
3 students and family (my wife is due any day now). And it likely costs
4 taxpayers a lot of money. If you choose not to, I will only think good
5 thoughts about you and wish you the very best. You have every right
6 to proceed. I'm only asking you to reconsider since my care for
7 students doesn't depend on race, religion, sexual orientation, etc. ---
8 none of that matters to me. Why should it? The world is made up of
9 all kinds of people. I care for them all and I care for you.
10
11

12 Your former teacher,

13
14 Mr. THOMPSON”
15

16 Prior to THOMPSON’s email to Derian H., Investigator Exton was able to
17 make contact with Derian H.; however, Derian declined to meet with the
18 investigator for an interview. Derian H. did not participate in the
19 investigation. Derian read THOMPSON’s email to her months later and it
20 made her feel terrible.
21

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23 6. THOMPSON told Investigator Exton that he was "unaware of the status”
24 of Derian H.'s complaint. However, when he made that statement, the
25 District had given him notice of the complaint, pending investigation, and
26 directives not to attempt to influence, intimate, coerce or otherwise threaten
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1 any participant of the investigation process. He also received the notice
2 before he emailed Derian H. on September 24, 2016.

3 [7.] On April 19, 2017, THOMPSON appeared for a pre-disciplinary
4 meeting ("Skelly") with Interim President of Moreno Valley College, Dr.
5 Irving Hendrick, after receiving the District's Notice of Intent to
6 Recommend Dismissal. In that meeting, Dr. Hendrick provided
7 THOMPSON with the opportunity to present his side of the issues and why
8 the District should not proceed with its proposed discipline. During the
9 Skelly conference THOMPSON stated that the District threatened his
10 family's stability. While looking directly at Dr. Irving Hendrick's eyes,
11 THOMPSON stated that the District had "drawn a sword" by pursuing
12 THOMPSON's dismissal and that THOMPSON would also "draw a sword."
13 THOMPSON then made a statement acknowledging he had made a threat
14 and using the word "threat" to describe his statement. Dr. Hendrick felt
15 threatened by THOMPSON's statement; instead of addressing the issues in
16 the statement of charges THOMPSON made the threatening statements to
17 Dr. Hendrick.

18 THOMPSON's attorney, who was present during the meeting intervened by
19 trying to explain what THOMPSON meant, resulting in THOMPSON
20 claiming he had spoken metaphorically, but Dr. Hendrick felt threatened.
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1 Dr. Hendrick reported the threat to the authorities to protect his, his
2 family's and campus safety.

3 8. [Note: for this charge we have used the May 22, 2018 revision.] At
4 the Skelly meeting, THOMPSON and his attorney also produced an audio
5 recording of the subject lecture pertaining to the exchange between
6 THOMPSON and Krista E. described above in paragraph 1. This discussion
7 represents a discussion in THOMPSON's class. The audio recording
8 included a discussion of polygamous marriage wherein THOMPSON
9 described women as jealous and "already prone to being catty."
10

11 THOMPSON later stated during that class on exogamy that, will "[T]here's
12 a part of every one of you ladies, that kind of – kind of likes that a little bit,
13 that...a strong, handsome man would ride into the village and pick and take
14 you." The audio provided by THOMPSON of the typical day in his class
15 reveals that THOMPSON's offensive conduct on the basis of gender/sexual
16 identity, sexual orientation, sexual expression was persistent and caused
17 students to feel discriminated or harassed on the basis of gender/gender
18 identity/gender expression/sex orientation and in general protected
19 categories by state and federal law. THOMPSON regularly made statements
20 in class that denigrated women and gay or gender fluid students.
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22 THOMPSON also targeted students in class based on their protected status,
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1 including based on gender, gender expression, gender identity, and religion.

2 The recording produced by Thompson is consistent with the student report's
3 that THOMPSON denigrated and sometimes targeted people in class
4 discussions based on gender/sex orientation/sexual expression/sexual
5 identity or religion. THOMPSON also presented only one view when
6 discussing these issues. This conduct is consistent with the conduct asserted
7 in paragraph 2 above. THOMPSON also discouraged students from
8 presenting different ideas, or from discussing points of views that were
9 different from his ideas, views and convictions.
10
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12

13 **C. Mr. Thompson's Termination**

14 25. On October 17, 2017, the Board of Trustees of the Riverside Community
15 College took action to terminate Mr. Thompson. This action was purportedly based
16 on the charges made against Mr. Thompson.
17

18 **D. Post Termination Mandatory Arbitration and** 19 **Subsequent Appeals.**

20 26. Following Mr. Thompson's receipt of the notice of dismissal, and
21 pursuant to California Education Code 87673, Mr. Thompson timely filed his
22 objection to the dismissal. Thereafter, an Arbitrator was selected, the Arbitration
23 went forward on May 1, 3, 15-16, 22-23, 2018.
24

25 27. During the 6 days of hearings, the Arbitrator, Stephen Biersmith, heard
26 evidence in the form of witnesses and received many documents as evidence as
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1 well. On October 12, 2018, the Arbitration Opinion and Award was released to the
2 parties.

3 28. The Arbitrator upheld some of the charges, and rejected some of the
4 charges, finally ordering that the evidence did not support termination. Instead, he
5 ordered that Mr. Thompson be reinstated with back pay after a 90-day suspension.
6

7 29. On November 26, 2018, the District filed an appeal to the Arbitrator's
8 findings in the form of a Writ of Mandamus in the California Court of Appeals.
9 The hearing on the writ was conducted on July 9, 2019. Thereafter, on August 9,
10 2019, the trial court denied RCCD's writ, upholding the suspension.
11

12 30. The matter was briefed and argued in the California Court of Appeal. On
13 October 15, 2021, the appellate court ruled in favor of RCCD, ruling that dismissal
14 was the proper sanction for Mr. Thompson's conduct. On January 19, 2022, the
15 Order to Show Cause regarding Submission of Formal Order was heard in
16 California Superior Court. The Court made the following ruling:
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19 a) The Court executed the Order issuing a Writ of Mandate and b) The Court
20 executed the Writ of Mandate.
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23 **E. Equitable Tolling.**

24 31. All of the above referenced hearings including contractual arbitration, the
25 District's Writ to the Superior Court, and the District's Appeal on the Writ, were
26 pursued as a matter of right, pursuant to Plaintiff's contract.
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1 32. Plaintiff should not lose such a critical right, of being able to fashion a
2 lawsuit to seek redress for his civil and constitutional rights. Thus, Plaintiff brings
3 this action.
4

5 **CLAIMS FOR RELIEF**

6 **Count I-Violation of Freedom of Speech under the U.S. Constitution (42**

7 **U.S.C. § 1983)**

8 **First Amendment Retaliation – All Defendants**

9
10 33. Plaintiff hereby reiterates and adopts each and every allegation in the
11 preceding paragraphs 1-32.
12

13 34. Mr. Thompson's speech touched on matters of public concern involving an
14 issue of social, political or other interest to a community or public, a subject of
15 legitimate news interest or of general interest. His interest in his expression
16 outweighed MVC's interest in providing effective and efficient services to the
17 public. Plaintiff's speech was a substantial factor in an adverse employment
18 decision. Mr. Thompson has suffered injury likely to chill an ordinary person to
19 engage in that speech.
20
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22 35. The reprimand that went into his personnel file concluding that Mr.
23 Thompson was "unprofessional," his work "unsatisfactory," that he created a
24 hostile environment and that Bible references he made were "indoctrination," and
25 which ordered him to cease using religious material in assigned readings and as an
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1 authority, caused Mr. Thompson to suffer an injury which chills him from giving
2 his students facts calculated to stimulate critical thinking. The reprimand stated
3 that Mr. Thompson had violated no board policy but nonetheless punishes Mr.
4 Thompson because he followed the District policy on critical thinking and
5 exposing his students to a diversity of viewpoints. These actions cast a pall of
6 orthodoxy on instruction at MVC.
7
8

9 36. Occasional references to ancient manuscripts such as the Bible, Koran and
10 Talmud and their traditionalist prescriptions for the good of society allow students
11 to learn different viewpoints and stimulates critical thinking. The information
12 presented in Mr. Thompson's classes is protected speech and Mr. Thompson's
13 interest in complying with MVC requirement of critical thinking far outweighs the
14 District's interest in regulating the content of its Sociology classes. MVC services
15 performed through Mr. Thompson remained effective and efficient and did not
16 interfere with the performance of his duties, nor undermine legitimate goals and
17 mission of MVC.
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22 37. Mr. Thompson has a right to academic freedom of inquiry derived from
23 the guarantee of free speech, to teach and to communicate ideas or facts without
24 being targeted for employment sanctions and censorship. By subjecting Mr.
25 Thompson to a one-sided investigation and reprimanding him based on his
26 research, established principles, statistics and critical thinking teaching methods on
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1 matters of public concern, Defendants policy and practice, are a form of retaliation
2 against Plaintiff for exercising his First Amendment rights and deprived him of his
3 ability to freely express his ideas on issues of public concern at MVC.
4

5 38. Defendants, acting under color of state law, and by policy and practice,
6 knew or should have known that they explicitly and implicitly retaliated against
7 Plaintiff for exercising his clearly established right to free speech without
8 retaliation on issues of public concern.
9

10 39. Defendants are not entitled to immunity because their conduct violated
11 Plaintiff's First Amendment right which was so clearly established, that a
12 reasonable person would have known that their actions violated that right.
13
14

15 40. Because of Defendants' actions, Plaintiff has suffered, and continues to
16 suffer, irreparable harm to his reputation in the college community.
17

18 41. Pursuant to 42 U.S.C. § and 1988, Mr. Thompson therefore seeks equitable
19 relief as follows: (1) a declaration as to whether the acts of the Defendants
20 Steinback and Mayo were consistent under the First, Fourteenth Amendments and
21 under District policy, and (2), injunctive relief to remove the reprimand from his
22 personal file in the form of papers, writings, in whatever form, be they electronic
23 or otherwise, relative to the disciplinary actions taken against Mr. Thompson.
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Count II-Violation of Freedom of Speech under the U.S. Constitution (42

U.S.C. § 1983)

First Amendment viewpoint discrimination – All Defendants

42. Plaintiff hereby reiterates and adopts each and every allegation in the preceding paragraphs 1-41.

43. The application of the District's harassment policy left Mr. Thompson unable to pursue and participate in his career.

44. Defendants, acting under color of state law, and by policy and practice, knew or should have known that they explicitly and implicitly discriminated against Mr. Thompson for expressing his viewpoint.

45. Defendants are not entitled to immunity because their conduct violated Mr. Thompson's First Amendment right to have a viewpoint which was so clearly established, that a reasonable person would have known that his actions violated that right.

46. Because of Defendants' actions, Mr. Thompson has suffered, and continues to suffer, irreparable harm to his reputation in the college community.

47. Pursuant to 42 U.S.C. § 1983, Mr. Thompson therefore seeks equitable relief as follows: (1) a declaration as to whether the acts of the Ms. Steinback and Ms. Mayo were consistent under the First Amendment and under District policy, and (2), injunctive relief to remove the reprimand from his personal file in the form

1 of papers, writings, in whatever form, be they electronic or otherwise, relative to
2 the disciplinary actions taken against Mr. Thompson.

3 **Count III- Violation of Plaintiff's First Amendment Right to Freedom of**
4
5 **Speech - Compelled Speech (42 U.S.C. § 1983)**

6 48. Mr. Thompson hereby reiterates and adopts each and every allegation in
7 the preceding paragraphs 1-47.

8
9 49. By punishing and threatening to punish Mr. Thompson for refusing to
10 communicate a District-mandated ideological message regarding the origins of sex
11 and gender identity both in and out of the classroom, Defendants have attempted
12 and are attempting to compel Mr. Thompson's speech, in violation of his rights
13 under the First Amendment.
14
15

16 50. Defendants' Nondiscrimination Policies and their enforcement of those
17 policies compel Mr. Thompson to communicate messages about sex and gender
18 identity that he does not hold, that he does not wish to communicate, and that
19 conflict with (and for him to violate) his personal beliefs.
20
21

22 51. Defendants' Nondiscrimination Policies and their enforcement of those
23 policies violate Mr. Thompson's right to free speech as guaranteed by the First
24 Amendment to the United States Constitution.
25

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27 ///

Count IV- Violation of Plaintiffs' Right to be Free from Unconstitutional
Conditions (42 U.S.C. § 1983)

52. Mr. Thompson hereby reiterates and adopts each and every allegation in the preceding paragraphs 1-51.

53. By conditioning Mr. Thompson's status as a professor in good standing at the College (and ultimately his employment at the College) on his willingness to surrender various constitutional rights, Defendants have imposed and are imposing an unconstitutional condition on him in violation of his First Amendment rights.

54. Defendants' Nondiscrimination Policies and their enforcement of those policies impose an unconstitutional condition upon faculty members' right to free speech and their receipt of state benefits (e.g., avoiding disciplinary actions up to and including termination, remaining a professor at a public college).

55. Defendants' Nondiscrimination Policies and their enforcement of those policies require faculty members to surrender their constitutionally protected rights to freedom of speech, free exercise of religion, due process, and equal protection to avoid disciplinary actions up to and including termination.

56. Defendants enforced their Nondiscrimination Policies against Mr. Thompson, making it clear that he can only avoid further disciplinary action if he surrenders his constitutionally protected rights to freedom of speech, free exercise of religion, due process, and equal protection.

1 57. Defendants' Nondiscrimination Policies and their enforcement of those
2 policies violate Mr. Thompson's right to be free from unconstitutional conditions.
3

4
5 **Count V- Violation of Plaintiff's Rights under the U.S. Constitution to**
6 **Academic Freedom (42 U.S.C. § 1983) and District policy (Administrative**
7 **Regulation 4030) – All Defendants**
8

9 58. Mr. Thompson hereby reiterates and adopts each and every allegation in
10 the preceding paragraphs 1-57.
11

12 59. The actions of Defendants violated MVC's policy on academic freedom.
13 Said policy is based upon the Free Speech Clause of the First Amendment.
14

15 60. The actions of Ms. Steinback and Ms. Mayo were calculated to violate
16 Plaintiff's rights of academic freedom and by extension his rights to free speech,
17 said actions violated Mr. Thompson's right as instructor to discuss pertinent
18 subjects within his field of professional competency in the classroom, which was
19 consistent with course objectives.
20
21

22 61. Because of Defendants' actions, Mr. Thompson has suffered, and
23 continues to suffer, undue and actual hardship and irreparable harm to his
24 reputation in the college community.
25

26 ///

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1 62. § 53200 (2) (a) 2F provides:

2 “The coursework calls for critical thinking and the understanding and
3 application of concepts determined by the curriculum committee to be
4 at college level.”
5

6 63. The Course outline of record, curriculum reference guide provides:

7 “Assignment examples can include supplemental reading materials
8 beyond the required text (s).....
9

10 Optional and alternate assignment examples can in some cases, be
11 included..
12

13 The difficulty standard for degree-applicable credit courses requires
14 that assignments must reflect college-level effort particularly in terms
15 of critical thinking.”
16

17 64. The statewide Academic Senate guide on critical thinking was adopted by
18 the District and MVC, the academic senate, and curriculum committee at MVC
19 which mandates that professors include “critical thinking” within the class
20 syllabus.
21

22 65. Mr. Thompson’s personnel file was tarnished and he was disciplined
23 because he complied with District’s and MVC’s policy on critical thinking.
24
25
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28

1 66. Moreno Valley College's policies on academic freedom states: "Academic
2 professionals need the freedom to explore ideas that may be strange or unpopular,
3 endeavors proper to higher education." (BP 4030).
4

5 And.

6 67. "All District programs and activities seek to affirm pluralism of beliefs and
7 opinions, including diversity of religion, gender, ethnicity, race, sexual orientation,
8 disability, age and socioeconomic class." (BP 7100).
9

10 68. The conclusion of the investigation and administrative determination
11 regarding Angela J. and Krista E. was that Mr. Thompson had not violated any
12 District Policy or Administrative Procedure. (Exhibit D-91). But then, the
13 President contradicted this on page four of the Statement of Charges, stating that
14 "THOMPSON failed to follow district policies" in these matters.
15
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18

19 **PRAYER FOR RELIEF**

20 Plaintiff Eric Thompson respectfully requests that the Court enter judgment
21 against Defendants RCCD, MVC, Ms. Steinback, and Ms. Mayo, and provide him
22 with the following relief:
23
24

25 A. A declaratory judgment as to whether the acts of the Defendants Ms.
26 Steinback, and Ms. Mayo were consistent with the First and Fourteenth
27 Amendments and with District policy.
28

- 1 B. For a preliminary and permanent injunction requiring RCCD to expunge
2 from Plaintiff's personnel file, all the reprimand and all papers, writings, in
3 whatever form, be they electronic or otherwise, relative to the disciplinary
4 actions taken against Ms. Steinback, and Ms. Mayo.
5
6 C. Award Plaintiff backpay, including past loss of wages and benefits, plus
7 interest;
8
9 D. Award Plaintiff his front pay, including future wages and benefits;
10
11 E. Award Plaintiff other and further compensatory damages in an amount
12 according to proof;
13
14 F. Award Plaintiff noneconomic damages, including but not limited to mental
15 suffering;
16
17 G. Mr. Thompson's reasonable costs and expenses of this action, including
18 attorneys' fees in accordance with 42 U.S.C. § 1988 and other applicable
19 law;
20
21 H. All other further relief to which Mr. Thompson may be entitled.
22

23 Dated: January 25, 2023

/s/ Michael J. Peffer

Michael J. Peffer

Pacific Justice Institute

Attorneys for Plaintiff, Eric Thompson

DEMAND FOR JURY TRIAL

Plaintiff demands a jury trial on all causes of action and claims to which he has a right to a jury trial.

January 25, 2023

/s/ Michael J. Pepper

Michael J. Pepper

Pacific Justice Institute

Attorneys for Plaintiff, Eric Thompson